

AARON D. FORD
Attorney General
Allison Herr (NV Bar No 5383)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
(702) 486-3799 (phone)
(702) 486-2377 (fax)
AHerr@ag.nv.gov
Attorneys for Respondents

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DOMONIC RONALDO MALONE,

Petitioner,

vs.

BRIAN WILLIAMS, et al.,

Respondent.

Case No. 2:18-cv-01146-RFB-NJK

**MOTION FOR EXTENSION OF TIME TO
FILE ANSWER TO AMENDED PETITION
FOR WRIT OF HABEAS CORPUS
(ECF No. 11)**

(SECOND REQUEST)

Respondents move this Court for a sixty day extension of time from the current due date of Monday, December 28, 2020 up to and including Friday, February 26, 2021, in which to file their answer to Domonic Malone's Amended Petition for Writ of Habeas Corpus. ECF No. 11. This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached affidavit of counsel.

This is the second enlargement of time sought by Respondents and is brought in good faith and not for the purpose of delay.

DATED December 28, 2020.

AARON D. FORD
Attorney General

By: /s/ Allison Herr
ALLISON HERR (Bar No. 5383)
Senior Deputy Attorney General

DECLARATION OF ALLISON HERR

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, Allison Herr, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in the case of *Malone v. Williams*, 2:18-cv-01146-RFB-NJK, and as such, have personal knowledge of the matters contained herein.

2. An answer to the Amended Petition for Writ of Habeas Corpus (ECF No. 11) is currently due on Monday, December 28, 2020. I have been unable to timely complete the answer in this matter and need additional time to respond. I am seeking an extension of sixty days up to and including Friday, February 26, 2021.

3. This matter has come due at or near the same time as an answering brief in *Patterson*, 20-15635, and an oral argument in *Minor*, 19-15822¹ set in the 9th Circuit. State district court responses due in *Reed*, A-20-809514; and *Noble*, C-18-336940-1. State appellate court response due in *Duda*, 80364-COA. And Federal responses due in *Clemons*, 2:17-cv-01041.

4. Additionally, following travel out of state for medical treatment, I was unexpected on quarantine following a potential COVID exposure. Which along with the upcoming holiday closures left insufficient time to complete this matter. Therefor I am seeking an additional sixty-day extension in which to submit my answer.

5. I have discussed this matter with opposing counsel, and she does not oppose my request.

6. This is the second request for an extension to file the answer.

///

///

///

///

¹ Counsel learned on December 23, 2020 that in lieu of argument and matter would be submitted on the briefs, however this was after preparation had already begun for the argument.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing ***MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO AMENDED PETITION FOR WRIT OF HABEAS CORPUS (SECOND REQUEST)*** with the Clerk of the Court by using the CM/ECF system on December 28, 2020.

I certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

/s/ L. Combs

An employee of the Office of the Attorney General